

with sufficient hazardous levels of the F006 wastes previously stored in that pile to be the subject of regulatory concern. Based upon the constituents and factors evaluated, the Agency is proposing that the soils remaining at Boeing's sludge pile containment area are non-hazardous, as they should not present a hazard to either human health or the environment. The Agency, therefore, is proposing to grant a one-time exclusion to Boeing Commercial Airplane Company, located in Auburn, Washington, for the residual soils within its sludge pile containment area described in its petition as EPA Hazardous Waste No. F006. If the proposed rule becomes effective, Boeing's waste would no longer be subject to regulation under 40 CFR Parts 262 through 268 and the permitting standards of 40 CFR Part 270.

If made final, the exclusion will apply only to the wastes covered by the original demonstration. This proposed exclusion has no impact on the lagoon used in Boeing's treatment system; that is, the lagoon is still considered a hazardous waste unit. Because this is a one-time exclusion for the volume of soil evaluated by the Agency, Boeing may modify its manufacturing and treatment processes in the future without altering the regulatory status of the excluded soils, so long as the soils are not combined with hazardous wastes.

Although management of the waste covered by this petition would be relieved from Subtitle C jurisdiction upon final promulgation of an exclusion, the generator of a delisted waste must either treat, store, or dispose of the waste in an on-site facility, or ensure that the waste is delivered to an off-site storage, treatment, or disposal facility, either of which is permitted, licensed, or registered by a State to manage municipal or industrial solid waste. Alternatively, the delisted waste may be delivered to a facility that beneficially uses or reuses, or legitimately recycles or reclaims the waste, or treats the waste prior to such beneficial use, reuse, recycling, or reclamation.

III. Effective Date

This rule, if promulgated, will become effective immediately. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here, because this rule, if promulgated, would reduce the existing requirements for persons generating hazardous wastes. In light of the unnecessary hardship and expense that would be

imposed on this petitioner by an effective date six months after promulgation and the fact that a six-month deadline is not necessary to achieve the purpose of section 3010, EPA believes that this exclusion should be effective immediately upon promulgation. These reasons also provide a basis for making this rule effective immediately, upon promulgation, under the Administration Procedures Act, pursuant to 5 U.S.C. 553(d).

IV. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposal to grant an exclusion is not major, since its effect, if promulgated, would be to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction would be achieved by excluding waste generated at a specific facility from EPA's lists of hazardous wastes, thereby enabling this facility to treat its waste as non-hazardous. There is no additional impact, therefore, due to today's rule. This proposal is not a major regulation, therefore, no Regulatory Impact Analysis is required.

V. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 through 612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment, if promulgated, will not have an adverse economic impact on small entities since its effect would be to reduce the overall costs of EPA's hazardous waste regulations and would be limited to one facility. Accordingly, I hereby certify that this proposed regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

Date: November 22, 1988.

Jeffery D. Denit,

Deputy Director, Office of Solid Waste.

For the reasons set out in the preamble, 40 CFR Part 261 is proposed to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922).

2. In Table 1 of Appendix IX, add the following wastestreams in alphabetical order:

Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste Description
Boeing Commercial Airplane Co..	Auburn, WA	Residually contaminated soils in an inactive sludge pile containment area on [insert date of final rule's publication] previously used to store wastewater treatment sludges generated from electroplating operations (EPA Hazardous F006).

[FR Doc. 88-27765 Filed 12-1-88; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 300

[FRL-3485-5]

National Priorities List for Uncontrolled Hazardous Waste Sites; Deletion of a Site

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete sites from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) announces its intent to Delete the Wade (ABM) Site from the National Priorities List (NPL) and requests public comment. The NPL is Appendix B to the National Oil and Hazardous Substances Contingency Plan (NCP), which the EPA promulgated pursuant to section 105 of the

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). This action is being taken by EPA because it has been determined that all Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the Commonwealth of Pennsylvania, has determined that no further cleanup is appropriate. The intention of this notice is to request public comment on the intent of EPA to delete the Wade (ABM) Site.

DATE: Comments may be submitted on or before January 3, 1989.

ADDRESS: Comments may be mailed to Richard Watman, Remedial Project Manager, Superfund Branch, (3HW21), Environmental Protection Agency, 841 Chestnut Street, Philadelphia, PA 19107. For background information on the site contact Richard Watman at the above address or (215) 597-3155.

The Deletion Docket is available for inspection Monday through Friday at the following locations and times:

- U.S. EPA Region 3, Hazardous Waste Management Division, 841 Chestnut Street, Philadelphia, PA 19107 from 9:00 am to 5:00 pm.
- City Health Dept., Chester City Hall, Chester, PA 19103 from 9:00 am to 4:00 pm.

FOR FURTHER INFORMATION CONTACT: Richard Watman (215) 597-3155.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

I. Introduction

The Environmental Protection Agency (EPA) announces its intent to delete a site from the National Priorities List (NPL), Appendix B, of the National Oil and Hazardous Substances Contingency Plan (NCP), and requests comments on this deletion. The EPA identifies sites that appear to present a significant risk to human health or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substances Response Fund (Trust Fund) financed remedial actions. Any sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action.

EPA plans to delete the Wade (ABM) Site in Delaware County, Pennsylvania from the NPL.

The EPA will accept comments on this site for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that the EPA is using for this action. Section IV discusses the Wade Site and explains how the site meets the deletion criteria.

II. NPL Deletion Criteria

Amendments to the NCP published in the **Federal Register** on November 20, 1985 (50 FR 47912) establish the criteria the Agency uses to delete sites from the NPL. Section 300.66(c)(7) of the NCP provides that:

* * * sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making this determination, EPA will consider whether any of the following criteria have been met:

(i) EPA in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed response under CERCLA has been implemented, and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a Remedial Investigation, EPA, in consultation with the State has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Before deciding to delete a site, EPA will make a determination that the remedy or decision that no remedy is necessary is protective of human health and environment, consistent with section 121(d) of the Superfund Amendments and Reauthorization Act (SARA) of 1986.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such action. Section 300.68(c)(8) of the NCP states that Fund-financed actions may be taken at sites that have been deleted from the NPL.

III. Deletion Procedures

Deletion of sites from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management. As mentioned in section II of this notice, § 300.66(c)(8) of the NCP states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

For deletion of this site EPA's Regional Office will accept and evaluate public comments before making the final decision to delete.

A deletion occurs when the Assistant Administrator for Solid Waste and Emergency Response places a notice in the **Federal Register**, and the NPL will

reflect those deletions in the next final update. Public notices and copies of the responsiveness summary will be made available to local residents by the Regional Office.

IV. Basis for Intended Site Deletions

The following site summary provides the Agency's rationale for intending to delete this site from the NPL:

Wade (ABM) Site, Delaware County, PA
The Wade (ABM) Site is a 3 acre parcel located in Chester, Delaware County, Pennsylvania. The site previously housed the Eastern Rubber Recycling Co., a firm engaged in shredding tires, rubber and other post-consumer goods. Contamination of the site occurred when, during 1976 and after, drums of waste were emptied either directly onto the surface or into trenches. An estimated 10,000 drums of waste were either disposed of or stored at this site. In 1982, the Wade Site was placed on the NPL with a Hazard Ranking System Score of 36.63.

A site characterization was completed in 1983 for the Pennsylvania Department of Environmental Resources (PADER) and a Feasibility Study was completed in March 1984 under contract to EPA's Office of Waste Programs Enforcement. As a result of the site characterization approximately 20,000 gallons of drummed wastes were shipped off-site for disposal. Surface and sub-surface sampling found large areas of site soils to be contaminated with volatile organics and base-neutral-acid extractable compounds to depths of up to 5 feet. Ground water in the area is not used for drinking. Sampling indicated that release of contaminants via the ground water to the nearby Delaware River were extremely small and concentrations of chemicals in the river resulting from such discharge were estimated to be negligible. The contaminated soils, debris and wastes were removed from the site under a State-lead, Fund-financed Remedial Action, and were disposed of in a permitted hazardous waste facility. The site was capped and seeded to complete the cleanup process. The remedial actions at the site were completed in July 1987.

The operation and maintenance plan for the site calls for a yearly inspection as well as yearly ground water monitoring to assure that impact on the Delaware River remains negligible. Maintenance to the topsoil cap and security fence will be performed, as necessary, based on this yearly inspection.

The Commonwealth of Pennsylvania has concurred on this deletion.

Date: November 17, 1988.

James M. Seif,

Regional Administrator, Region 3.

[FR Doc. 88-27764 Filed 12-1-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-543; RM-5817]

Radio Broadcasting Services; Arizona City, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal of proposal.

SUMMARY: This document dismisses a petition filed on behalf of the Alpha Group, Inc., licensee of Station KXMK(FM), Channel 292A, Arizona City, Arizona, which requested the substitution of Channel 293C2, or alternatively, Channel 293A, for Channel 292A at Arizona City, and modification of its license accordingly, for failure to establish that the alternative channel substitutions would serve the public interest. With this action, the proceeding is terminated.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-543, adopted November 4, 1988, and released November 28, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-27745 Filed 12-1-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-132; RM-6016]

Radio Broadcasting Services; Fort Mohave, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal of proposal.

SUMMARY: This document dismisses a petition filed by Ft. Mohave Broadcasting seeking the allotment of FM Channel 296C2 to Fort Mohave, Arizona, based on petitioner's failure to file comments to establish Fort Mohave's status as a community for allotment purposes. With this action, the proceeding is terminated.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 88-132, adopted October 27, 1988, and released November 18, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-27749 Filed 12-1-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-525, RM-6475]

Radio Broadcasting Services; Marion, MS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a proposal to substitute FM Channel 236C2 for Channel 236A at Marion, Mississippi, and modify the

license of Station WQIC(FM) to specify operation on the new channel. The *Notice* is issued in response to a petition filed by Marion Broadcasting Company, Inc. The coordinates for Channel 236C2 at Marion are 32-20-00 and 88-44-00.

DATES: Comments must be filed on or before January 9, 1989, and reply comments on or before January 24, 1989.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Leonard S. Joyce, Blair, Joyce & Silva, 1825 "K" Street, NW., Washington, DC 20006, (Counsel for Marion Broadcasting Company, Inc.).

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-525, adopted October 27, 1988, and released November 18, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-27750 Filed 12-1-88; 8:45 am]

BILLING CODE 6712-01-M